1947.

File No. L.R.C. Bom. II
47

Legal DEPARTMENT.
B BRANCH

K

Subject:—

P-96
B

Rules and Notifications under
the Bombay Land Revenue Code,

1879.

File No. ~~Bom~~ L.R.C. Bom. II/47

Std. Sectt. Slip 24 B e.

220-B

C O N T E N T S.

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Not copied

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Not copied

Office of the A.L.A.

Section 7 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), inter alia, provides that each district shall consist of such talukas and each taluka shall consist of such mahals and villages, as may from time to time be prescribed in a duly published order of the Provincial Government. Thus, it is clear that a notification under the said section 7 is necessary, whenever there is a change by way of addition or subtraction in the number of villages constituting a taluka. In the present case by the amalgamation of Kharbote village with Kalbeni Khurd village and of Adhi village with Pandori village, in the Khed and Mandangad talukas respectively, the constitution of the said Khed and Mandangad talukas is not in any way affected. Therefore, no notification under the said section 7 will be necessary. The view of the Deputy Secretary, Revenue Department to this effect on page 21 is correct.

Sd/-D. V. Vyas
Remembrancer of Legal Affairs.

U.O.N. to H.D. No.2.G.

Dated the 1st March 1947.

KAM/15-3.
4 4.

Office of the H.L.A.

The draft notification at page 33, as formally amended is in order. As observed by the Inspector General of Registration (page 31), it should be published after the proposed notification under section 7 of the Bombay Land Revenue Code, 1879, is finally published. Section 7 of the Bombay Land Revenue Code, 1879, does not require previous publication of a notification to be issued under section 7 of the Bombay Land Revenue Code, 1879. If, however, from the administrative point of view it is considered necessary to have such previous publication for eliciting public opinion, in place of the proposed draft notification at page 41, a revised draft thereof, is sent herewith. The Revenue Department should insert therein the No. and date of Government Notification, Revenue Department, by which Ambegaon and Junnar talukas were constituted, because those notifications will have to be modified.

Id/- D. V. Vyas
Remembrancer of Legal Affairs.

U.O.N. to H.D.No.2139

Dated the 13th March 1917.

K KAN/15-5.
4 C.

NOTIFICATION.

Revenue Department,
Bombay Castle, 1917.

Bombay Land Revenue Code, 1879.

No. 9022/39.- The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 7 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), is published for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after x .....

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Revenue Department with respect to the said draft before the aforesaid date will be considered by the Government of Bombay:-

Draft Notification.

No. 9022/39.- In exercise of the powers conferred by ~~xxx~~ section 7 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), and in modification of G.N., R.D. No. * , dated the Government of Bombay is pleased to direct that with effect from ..... the villages of Parunde, Katoce, Vadaj and Chincholi, which were heretofore included in the Ambegaon taluka of the Poona district, shall be excluded therefrom and included in and form part of the Junnar taluka of the said Poona district.

*To be inserted by R.D.

By order of the Governor of Bombay,

Secretary to Government.

KAR/1575.
4 6.

Notification.

Revenue Department.
Bombay Castle, 1947.

Bombay Land Revenue Code 1879.

No.3703/33.- The following draft of a notification which it is proposed to issue under section 213 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), is published as required by sub-section (2) of the said section 214 for the information of all persons likely to be affect d by it thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the .....* 1947.

Date to be filled in

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Revenue Department from any person with respect to the said draft on or before the aforesaid date will be considered by the Government of Bombay:-

Draft Notification.

Bombay Land Revenue Code, 1879.

No.- - In exercise of the powers conferred by section 213 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), the Government of Bombay is pleased to the Land Revenue Rules, (1921), as follows, namely:-

After rule 142 (a) of the said rules, the following new rule shall be inserted, namely:-

*Date to be filled in

* "142 (aa) A surcharge of 25% shall with effect from ——————* be levied on all copying, comparing and translation fees leviable according to rule 142 (g) added to the total charges for the preparation of certified copies."

By order of the Governor of Bombay,

Secretary to Government.

KAN/16-6.
4 a.

Office of the R.L.A.

A revised draft notification is sent herewith. The Proper place to add the proposed rule is after rule 142(a) and not after rule 142(b).

Id/- [illegible]
2t/5.

Remembrancer of Legal Affairs.

U.O. to M.D., No.3438 dated the 27th May 1917.

KAN/15-6.
4 c.

NOTIFICATION.

Revenue Department,

Bombay Castle, May 1947.

Bombay Land Revenue Code, 1879.

No. .- The following draft of a notification which it is proposed to issue under sections 213 and 214 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), is published as required by sub-section (3) of the said section 214, for the information of all persons likely to affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the 1st ..... 1947.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Revenue Department from any person with respect to the said draft xx before the aforesaid date will be considered by Government.

Draft Notification.

No. .- In exercise of the powers conferred by sections 213 and 214 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), the Government of Bombay is pleased to amend the Land Revenue Rules (1921), as follows, namely:-

After rule 142(g) of the said rules, the following new rule shall be inserted, namely:-

"142(aa) A surcharge of 25% shall with effect from .....* ..... be levied on all copying, comparing and translation fees leviable according to rule x 142(g) and added to the total charges for the preparation of certified copies."

*Date to be filled in.

By order of the Governor of Bombay,

Secretary to Government.

EAN/10-3.
4 c.

Office of the Hale^.

In place of the draft notification at page 83 ante, a revised draft thereof is sent herewith.

Under section 7 of the Bombay Land Revenue Code, 1.79, each taluka is to consist of such mahals and villages as may from time to time be prescribed in a duly published order of the Provincial Government. Accordingly there cannot be a mahal independent of any taluka. It is presumed that the proposed Chanvala Mahal will be a part of the Vni taluka. The Revenue Department should verify whether the revised draft carries out their intention.

Id/- P.M.L.
14/6
Remembrancer of Legal Affairs.

U.S. to H.D., No.6173 dated the 14th June 1937.

EAH/MS-6.
4 6.

Notifications.
Revenue Department,
Bombay Castle, June 1947.

Notification under Bombay Land Revenue Code 1879.

No. .- The following draft of a notification which it is proposed to issue under section 7 of the Bombay Land Revenue Code, 1879(Bom. V of 1879), is published for the information of all person likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after .....*.....

* to be filled in by A.D.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Revenue Department from any person with respect to the said draft before the said date will be considered by Government.

Draft Notification.

No. .- In exercise of the powers conferred by section 7 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879, and in supersession of Government Notifications in the Revenue Department No.2061/31, dated the 9th March 1933 and 30th September 1940, the Government of Bombay is pleased to direct that with effect from 1st August 1947,

(i) there shall be created in the Vni taluka of the Satara district a new mahal to be called the Kamarna Mahal.

(ii) the Khandala Mahal shall consist of the following villages namely:-

(Here specify the villages.)

By order of the Governor of Bombay,

KAR/15-5-47.

Secretary to Government.

Draft Notification.
Revenue Department,
Bombay Castle, 1947.

Bombay Land Revenue Code, 1879.

No. .- The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 214 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), is published as required by sub-section (3) of the said section 214 for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the ———————— .

Date to be filled in.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay, Revenue Department, from any person with respect to the said draft on or before the date aforesaid will be considered by Government.

Draft Notification.

In exercise of the powers conferred by section ~~214~~ 214 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), the Government of Bombay is pleased to amend the Bombay Land Revenue Rules (1921) as follows, namely:-

(1) To rule 128 of the said rules, the following proviso shall be added, namely:-

"Provided that where in the opinion of the Collector difficulty is likely to be experienced in effecting speedy recovery of the arrears or bidders are likely to be deterred from offering bids, no such upset price shall be placed".

(2) To rule 129 of the said rules the following sub-rule shall be added, namely:-

(3) Where in the opinion of the Collector difficulty is likely to be experienced in effecting speedy

recovery of the arrears or bidders are likely to be deterred fro offering bids, it shall be lawful for the Collector or his nominee to bid at the auction and purchase the land or other property for a bid of rupee one".

(3) In Form 'U' appended to the said rules, after the second paragraph the following new paragraph shall be inserted, namely:-

"Notice is also given that it shall be open to the Collector or his nominee to bid at the auction and purchase the said property on behalf of Government for a bid of rupee one".

By order of the Governor of Bombay,

Secretary to Government.

KAN/15-5.
4 c.

Office of the A.L.A.

A revised draft notification is sent herewith subject to the following remarks.

2. The practice in ~~Engla~~ England is that when the sale of land is subject to a reserve price, or when the vendor reserves a right to bid or to employ persons to bid on his behalf, the ~~fa~~ fact must be notified before the sale and it must be expressly notified in the particulars and conditions of sale whether the sale is with or without reserve, or whether such right to bid is reserved. Unless such notification is made, it is illegal for the vendor or any one on his behalf to make a bid, or for the auctioneer knowingly to take such a bid, and as against a purchaser the sale will be treated as fraudulent and invalid (see Halsbury's Laws of England, 2nd Edn. Vol. I, p. 704, para. 1169). These principles find statutory place in section 5 of the Sale of Land by Auction Act, 1867 (30 and 31 Vict Ch.48). Following the above principles of the English law it would be quite possible to frame a rule that Government would reserve the right to bid at an auction for a price of rupee one, especially in view of the ~~se~~ circumstances specified in the proposed draft amendment at pages 31-33 ante. But that condition will have to be notified as one of the conditions of the sale. It may however be pointed out that such a provision would appear to be justified only in the case of lands which are subject to ~~fo~~ forfeiture under the Bombay Land Revenue Code, 1879. But it appears that it may be considered unjust to extend it to cases where land is put up for sale for recovery of dues which are merely recoverable as arrears of land revenue, and not with reference to any land. The principles enunciated by the Chief Justice in his

judgment in P.A.No.270 of 1939, may still apply in such cases. The Revenue Department should consider this aspect of the matter.

IG/P.M.La.
17/6

Remembrancer of Legal Affairs.

U.O. to R.D.M.No.6294

Dated the 18th June 1947.

KAH/16-6.
4 c.

Office of the R.L.A.

A revised draft notification is sent herewith.

2. The proposed notification not only effects the constitution of the Pathardi and Belapur talukas in the Ahmednagar district under Government Notification, Revenue Department, No.4031/30, dated the 22nd August 1945, but it also effects the constitution of Ahmednagar, Newasa, Sangamner and Kaburi talukas in the said district. Consequently, it will be necessary to modify all the previous notifications relating to the constitution of the said talukas. The revised draft provides accordingly.

3. In paragraph 7 of his letter of 7-6-47 at pages 1w3 ante the Collector refers to the village of Belapur Khurd, while the Revenue Department draft notification at page 25 ante refers to "Belapur ~~Kd~~ Budruk". It is presumed that Belapur Khurd referred to by the Collector and not Belapur Budruk is to be transferred to the Belapur taluka.

4. It will be seen from Government Notification No. 4031/30, dated 22-8-45 that the new Belapur taluka was created in the Ahmednagar District with effect from 1-9-1945 and not from 1-8-1945 as stated in the Revenue Department note at p.15 (para.2). Although the period of two years referred to in that note does not expire on 31st July 1947 it is presumed that the intention is to give effect to the proposed changes with effect from 1-8-1947.

S.C. 10/-D.M.Vyas

Remembrancer of Legal Affairs.

U.O. to R.L.A., No.7329 dated the 16th July 1947.

KAN/16-8.
S.C.

NOTIFICATION.

Revenue Department,

Bombay Castle, July 1917.

Bombay Land Revenue Code, 1879.

No. 4881/30.— In exercise of the powers conferred by section 7 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), and in modification of Government Notification, Revenue Department, No. 4881/39, dated the 22nd August 1913, and of all previous notifications relating to the constitution of Ahmednagar, Newasa, Sangamner and Kopargaon talukas of the Ahmednagar district (hereinafter referred to as the said district), the Government of Bombay is pleased to direct that with effect from 1st August 1917.

(i) the villages specified in column 1 of Schedule A hereto annexed which were heretofore included in the Pathardi Taluka of the said district shall be excluded therefrom and be included in and form part respectively of the talukas shown against them in column 2 of the said Schedule;

(ii) the villages specified in column 1 of Schedule B hereto annexed which were heretofore included in the Belapur Taluka of the said district shall be excluded therefrom and be included in and form part respectively of the talukas shown against them in column 2 of the said schedule; and

(iii) the village of Belapur Khurd which was heretofore included in the Kopargaon Taluka of the said district shall be excluded therefrom and be included in and form part of Belapur Taluka of the said district.

P.T.O.

Schedule A.

1	2
Villages.	Talukas.
1. Khedpuri	Ahmednagar.
2. Pangarmal	Do
3. Kajle Chincholi	Do
4. Udarmal	Do
5. Najegaon.	Newasa

Schedule B.

1	2
Villages.	Talukas.
1. Ringaon Jali	Sangamner
2. Chinchpur Budruk	Do
3. Chinchpur Khurd	Do
4. Pratapur	Do
5. Aurangpur	Do
6. Sadatpur	Do
7. Pachegaon	Newasa
8. Punatgaon	Do
9. Belpimpalgaon	Do
10. & Chogargaon	Do
11. Jaingur.	Do

By order of the Governor of Bombay.

Secretary to Government.

EAH/16-5.
4 c.

Office of the S.L.A.

A revised draft notification is sent herewith.

2. Since the papers sent by the Revenue Department do not contain notifications under which the talukas of Ambegaon and Khed were originally constituted no reference to these notifications has been made in the revised draft notification.

~~S.C.~~ Id/-D.V.Vyas
Remembrancer of Legal Affairs.

U.R. to R.D., 7483 dated the 21st July 1947.

KAB/16-5.
4 c.

Notification.

Revenue Department.

Bombay Castle, July 1947.

Bombay Land Revenue Code, 1879.

No. 9982/39.- In exercise of the powers conferred by section 7 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), the Government of Bombay is pleased to direct that with effect from the 1st August 1947, the villages specified in the Schedule hereto annexed and heretofore forming part of the Ambegaon Taluka in the Poona District shall be excluded therefrom and shall be included in and form part of the Khed taluka of the said district.

Schedule.

1. Waphgaon.
2. Guland.
3. Kalalwadi.
4. Joulka Budruk.

By order of the Governor of Bombay,

Secretary to Government.

EAH/16-8.
4 c.

Office of the A.L.A.

revised draft notifications in place of the drafts at page 151 and page 125 ante are sent herewith.

2. Draft notification under section 7 of the Madras Land Revenue Code, 1070.- (a) Since none of the notifications referred to in the Revenue Department draft at page 140 constitutes either the Nagra or Ankleshwar taluka of the Broach district, it is not necessary to supersede them as proposed. The papers sent by the Revenue Department do not indicate the notifications constituting the said two talukas of Nagra and Ankleshwar. As there is now no time to trace these notifications the proposed notification may be issued in modification of all previous notifications relating to the constitution of the said talukas. The preamble of the revised draft notification provides accordingly.

(b) The Revenue Department is requested to check up the names of villages and their spellings before the notification is issued.

3. From the Revenue Department Notification No. 7611/20, dated the 23rd August 1933 at page 214 of R.D.File No.7611/20 (Pt.I), it appears that the Amod Taluka as it then existed consisted of 84 villages. The Revenue Department should verify whether one of these villages has been inadvertently omitted in the draft notification at pp.140-150 or as stated by the Commissioner in his letter at pp.45-46 it consisted only of 83 villages.

Sd/-D.V.Vyas
Remembrancer of Legal Affairs.

U.O. to R.D., No.7775 , dated the 20th July 1937.

RAR/16-8.
4 8.

NOTIFICATION.

Revenue Department,
Bombay Castle, July 1947.

Bombay Land Revenue Code, 1879.

No.3612/45.- In exercise of the powers conferred by section 7 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), and in modification of all previous notifications relating to the constitution of Vagra and Ankleshwar Talukas in the Broach District, the Government of Bombay is pleased to direct that with effect from 1st August 1947 —

(1) there shall be created in the Vagra Taluka of the Broach district a new mahal to be called the Amod Mahal which shall consist of the villages specified in Schedule A hereto annexed; and

(2) there shall be created in the Ankleshwar Taluka of the said district a new mahal to be called the Hansot Mahal which shall consist of the villages specified in Schedule B hereto annexed.

(Here insert A — B at p. 149 ante).

By order of the Governor of Bombay,

Secretary to Government.

NOTIFICATION.

Revenue Department.

Bombay Castle, July 1947.

Indian Registration Act, 1908.

No. .v In exercise of the powers conferred by section 3 of the Indian Registration Act, 1908 (XVI of 1908), the Government of Bombay is pleased with effect from .....1947 to amend Government Notification in the Revenue Department, No.1040/31, dated the 1st November 1940, as follows, namely:-

In column 3 of the Second Schedule annexed to the said notification, —

(i) in the entry against the sub-district of Ankleshwar in the Broach district, for the words "Co-extensive with the Revenue Taluka of Ankleshwar" the words "Co-extensive with the Revenue Taluka of Ankleshwar and Mahal of Nanaot," shall be substituted;

(ii) for the entries (1) to (70) against the sub-district of Vagra in the Broach district, the words "Co-extensive with the Revenue Taluka of Vagra" shall be substituted; and

(iii) for the entries (1) to 2 (55) against the sub-district of Amod in the Broach district the words "Co-extensive with the Revenue Mahal of Amod." shall be substituted.

By order of the Governor of Bombay,

Secretary to Government.

LAN/16-5.
4 6.

Office of the R.L.C's

Revised draft notifications in place of the draft notifications at pp. 49 and 57 are sent herewith.

~~S.C.~~ Sd/-D.V.Iyer,
Secretariat of Legal Affairs.

U.O. to R.D., No.5156, dated the 6th August 1937.

KKK/16-8.
4 c.

Notification.

Revenue Department.

Bombay Castle, 1947.

Indian Registration Act, 1908.

No. In exercise of the powers conferred by section 6 of the Indian Registration Act, 1908 (XVI of 1908), the Government of Bombay is pleased with effect from .....1947 to amend Government Notification in the Revenue Department, No. 1913/24, dated the 1st November 1940, as follows, namely:-

To be filled in by S.R.O.

In column 3 of the Second Schedule annexed to the said notification,-

(i) after the entry "(41) Narsinhapur (Dumala, against the sub-district of Velva in the Satara district, the following entry shall be inserted, namely:-

"(42) Sundi Taraf Kelva." and

(ii) after the entry "(19) Kola Kurundwad" against the sub-districts of Asthe in the Satara district, the following entries shall be inserted, namely:-

"(19) Tung. (20) Nagthane."

By order of the Governor of Bombay,

Secretary to Government.

KAR/16-5.
4.0.

Notifications.

Revenue Department.

Bombay Castle, 1917.

Bombay Land Revenue Code, 1879.

No. In exercise of the powers conferred by section 7 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), and in modification of all previous notifications relating to the constitution of Taluqs and Peta Talukas in the Satara District, the Government of Bombay is pleased to direct that with effect from .....1917, the villages specified in the Schedule hereto annexed and heretofore forming part of the Rangpur Taluka in the Satara District shall be excluded therefrom and shall be included in and form part of the Walva Taluka of the said District.

To be filled in by A.G.

Schedule.

1. Tung.
2. Nagthane.
3. Kundi Kurf Walva.

By order of the Governor of Bombay,

Secretary to Government.

RAB/16-3.
4 C.

Office of the A.L.A.

The draft notification at page 19 ante, as amended, is in order, subject to the following remarks :-

2. The expression 'Village records' will include 'Village records of a City Survey'. It is not therefore necessary to mention the latter specifically.

3. Section 115 of the Bombay Village Panchayats Act, 1933, provides that all panchayats established under the Bombay Village Panchayats Act, 1920, and existing immediately before the coming into force of that Act shall be deemed to have been established under the Act of 1933. The words 'or deemed to have been established' have therefore been added in the draft notification.

4. The Revenue Department should consider whether such free inspection of village records is not to be extended also to a member of a village panchayat. Similar concession has been given to a member of a co-operative society in the last proviso to rule 136.

~~S.C.~~ 10/~~12~~ P.M.L.
9/13

Remembrancer of Legal Affairs.

U.R. to A.U. No.11500 dated the 3rd December 1947.

KAR/16-3.
4 c.

Notification.

Revenue Department.

Bombay Castle, 1947.

Bombay Land Revenue Code, 1879.

No.G.30/30114-D: The following draft of a notification which it is proposed to issue under section 214 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), is published as required by sub-section (3) of the said section 214 for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration by the Government of Bombay on or after.....1..... 1947.

To be filled in by R.D.

2. Any objections or suggestions which may be received by the Secretary to Government of Bombay in the Revenue Department from any person with respect to the said draft on or before the aforesaid date will be considered by Government:-

Draft Notification.

Bombay Land Revenue Code, 1879.

No. :- In exercise of the powers conferred by section 214 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), the Government of Bombay is pleased to amend the Land Revenue Rules, (1921), as follows, namely:-

In rule 135 of the said rules,

For the words beginning with 'or by an officer' and ending with 'such Panchayat', the following new proviso shall be inserted, namely:-

"Provided also that no fee shall be charged for inspection (with the permission of the Officer-in-charge) of the Enquiry Proceedings or Register or Property Register of a City Survey or Village Records by an Officer of the Panchayat established or deemed to have been established under the Bombay Village Panchayats Act, 1933, for the purposes of such Panchayat.

By order of the Governor of Bombay,

Secretary to Government.

KAW/16-6.
& C.

Office of the Hon'ble

The statement made by the Collector of Cuttack (page 69) that the Assistant of Nilakantha has been so far in charge of the City survey work of Cuttack under Revenue Department Notification No.1001/35, dated the 16th September 1936 is not correct. The notification under which he has been so entitled is Revenue Department Notification No.1001/35, dated the 23rd. March 1937 (vide page 69).

2. It is not necessary to issue a fresh notification as proposed by the Revenue Department at page 73. It is enough if the Revenue Department Notification No.1001/35, dated the 26th March 1937 is cancelled.

3 C. A regular draft is sent herewith.

C.C. 10/-
10/12

Commissioner of Legal Affairs.

U.O. to R.D., No.13343, dated the 19th December 1947.

AG/10-3.
3 C.

Revenue Department,
Bombay Castle, December 1937.

Land Revenue Code, 1879.

No. .- In exercise of the powers conferred by sections 13 and 19 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), the Government of Bombay is pleased to amend a Government Notification in the Revenue Department No.1691/46, dated the 20th March 1937, as follows, namely:-

In the schedule appended to the said notification, in column 1 for the entry "Inamdar of Ambleshwar" the entry "Inhabitant of Honsot" shall be substituted.

By order of the Governor of Bombay,

Secretary to Government.

RAR/ 1[illegible]0.
3 c.